

question, but will not renew that motion. I will give in a few words, the reasons which will control my vote on this question. I am in favor of the clerks and registers being as they now are, feed officers—in other words, when their vigilance and attention to business becomes the means by which they get their fees, they will be more attentive to their duty, for their interest requires them to be vigilant and punctual, so that the business of the courts can go on. I am opposed to the system which regulates fees in one county higher than those in another. I desired the system of fees to be uniform throughout the State of Maryland. I wish therefore to let this power remain with the Legislature, as to its matter of detail.

You have gone too much into detail already in this Constitution. If the fees are too high, if there are fees now upon items upon which there should be no charges, let the Legislature reduce the charges, reduce the fees, and simplify the subject, as they may think wise when they take the question up for consideration. I therefore cannot vote for this proposition, because I can vote for nothing that does not leave the subject to the Legislature, and require it to have one general rule and standard in relation to fees in the State of Maryland, and that the officers shall be paid from these fees. If they are too high, the Legislature can reduce and curtail them.

Mr. JOHN NEWCOMER. I have a substitute for the proposition of the gentleman from Charles. I desire that there shall be a uniform system of fees throughout the State, and that the Legislature shall fix that system at its first session. In the smaller counties, where their duties are not so onerous, their compensation should be less than in the larger counties, where their duties are heavy. I therefore propose a uniform system, so that every man shall be paid according to the services he renders. I move the following as a substitute for the proposition of the gentleman from Charles.

"The Legislature at its first session after the adoption of this Constitution, shall reduce and so graduate the fees and perquisites of the several clerks of the county of common law and equity, and registers of wills of this State, that no one of them shall receive more than a fair and reasonable compensation for performing the duties of his office."

Mr. GRASON then made a few remarks not distinctly heard by the reporter.

Mr. HARBINE moved the question be taken by yeas and nays;

Which being ordered,

Appeared as follows:

Affirmative—Messrs. Lee, Dorsey, Wells, Randall, Kent, Bond, Bell, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Hicks, Hodson, Miller, Bowie, Tuck, Sprigg, Grason, George, Wright, Hearn, Fooks, Shriver, Johnson, Gaither, Annan, Gwinn, Kilgour, Waters, Anderson and Hollyday—31.

Negative—Messrs. Morgan, Dent, Hopewell, Weems, Welch, Dashiell, Spencer, Dirickson, Jacobs, Stephenson, McHenry, Magraw, Thaw-

ley, Sherwood of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Parke, Shower and Cockey—25.

So the motion was agreed to.

And the Convention accordingly adjourned until Monday morning at half-past eleven o'clock.

MONDAY, May 5, 1851.

The Convention met at half-past eleven o'clock, pursuant to the order heretofore adopted.

Prayer was made by the Rev. Mr. GRAUFF.

The roll of the members was called, and a quorum was ascertained to be present.

The journal of Saturday was then read.

THE JUDICIARY.

There being no morning business—

The Convention resumed the consideration of the unfinished order of the day, being the report submitted by Mr. BOWIE, chairman of the committee on the judiciary.

The question pending before the Convention on Saturday, being on the substitute offered by Mr. JOHN NEWCOMER, for the amendment proposed by Mr. MERRICK, as the twenty-first section of the report.

Mr. DENT offered as a substitute for the amendment and substitute the following:

"The Legislature at its first or second session after the adoption of this Constitution, shall establish by law, a uniform system of fees to be received by the clerks of courts of record, and registers of wills throughout the State, as compensation for the discharge of the duties of their respective offices; until the Legislature shall do this they shall be entitled to receive such fees as are now authorized by law."

Which was read.

On motion of Mr. SPENCER,

The Convention was called; and the doorkeeper sent for the absent members.

Mr. STEWART, of Baltimore city, renewed the notice given by him on Saturday, of his intention to move to reconsider the vote of the Convention on those sections of the judicial report, which relate to the organization of courts in the city of Baltimore, and also gave notice that he should offer the following amendments which he desired to be entered upon the record:

"There shall be established for the city of Baltimore one court of law to be styled The Court of Common Pleas, which shall have civil jurisdiction in all suits where the debt or damage claimed shall be above one hundred dollars, and shall not exceed five hundred dollars; and shall also have jurisdiction in all cases of appeal from the judgments of the justices of the peace in said city.

"There shall also be in said city another court of law having jurisdiction over all suits where the debt or damage claimed shall exceed the sum of five hundred dollars, and in case any plaintiff or plaintiffs shall recover in said court